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Then came the mother garbed in black,
And wiped those tears away;
Then turned on me in fierce attack,
"Art thou in devil's pay"
(For I had said that wars must be,
That heroes use the sword),
To think on what has thus cursed me,
And thus deny thy Lord?
If War be sane,
Make me insane,
And I will count it gain."

Then turned she to the setting sun
And cried: "Sun, ne'er forget
My curse invoked on ev'ry one
Who made me thus regret!
Curse priest and king!
May they know sting
Of losing cherished thing!"

"Nay, nay!" I cried. "Curse not, curse not!"
She heeded not my call:
"Sun, look upon my lonely lot
And send the same to all
Who for ambition, profit, pride,
Brought that cursed war to pass—
From king on throne to Coster's bride
Who orphaned lad and lass,
Whoe'er they be,
Where'er they flee,
For War has widowed me!"

"Have they no children who would mourn
If thy curse came about?"
"Too late!" she cried, "I am forlorn,
And thousands, without doubt,
Have joined my curse. The sun, behold!
Has passed from sight and shines
Unceasing on this kingdom old:
I curse this land's designs
And those that plann'd—
O blood-stained band
Consigned to Fury's hand!"

The twilight deepened; still I stayed
And questioned: "Why ask Sun
To see thy curses promptly paid;
Why not 'Whose will is done?'
Why not rely
On One on High
Who heeds the widow's sigh?"

"Shall I beseech the One they preach
Approves of War's cursed game?
(The Christ of whom the Scriptures teach
Is surely not that same.)
Nay, nay! their God loves power, self,
And cares not for my woe;
He is concentered in himself—
From such God I must go:
I call on Sun
To see undone
Each truly guilty one."

She took the children by the hand
And passed within the door;

In memory still her curses stand
Though saw I her no more.
And pond'ring o'er Ambition's wrecks
Strewn ever in our sight,
I whisper low, "Whom War bedecks
On him will curse alight.
Has earth a plain
Where man's not slain
To win some warrior gain?"
• • • •
O War with sword, and War in mart,
That curse is yours alike:
Starvation plays as deadly part
As sword can ever strike.
Here lie the dead;
Your hands are red
With brother's blood just shed.

TURNERSVILLE, TEXAS.

The Lesson of the United States Court of Claims.

BY C. C. NOTT, CHIEF JUSTICE OF THE COURT OF CLAIMS.
[Address at the recent Mohonk Lake Arbitration Conference.]

What is arbitration? It is simply a means or process for adjusting international differences. Whether arbitration will control the wickedness of human nature and the lust of conquest; whether it will rule future men of blood and iron; whether it will meet the conditions of all cases that are brought before it; whether nations who enter into arbitration will repudiate their obligations,—these are matters which are no concern of mine. It is enough for me as a practical man to say that arbitration is the only means which the human mind has yet devised for settling international obligations, and that it is my duty as a practical man to give it my support without raising querulous questions as to its sufficiency.

The remarks which I am about to make are exceedingly unpalatable to me for the reason that they involve the personal element. Yet I make the sacrifice because what I am about to say is not oratory, but testimony, and it is testimony to the wisdom of that ideal which has dominated the action of Mr. Smiley and our own proceedings.

It so happened that during the last autumn Mr. Barrett, one of the delegates to the Pan-American Congress, finding that I had been of all living men longest upon the bench of the Court of Claims dealing with obligations of governments, wrote to me requesting that I would sketch a form for a court of claims of an international character, and he subsequently submitted to me for my criticism the schemes and plans of some of the other Republics. When I got to work upon this business it soon became plain to me that what Mr. Barrett wanted, without knowing it, was really a Court of Arbitration under the name of a court of international claims; and it then became clear to me that there has been sitting for fifteen or twenty years within your own gates an international tribunal in effect, though not in name, dealing with international obligations,—a court of arbitration.

To make this matter plainer, I will illustrate. Congress has sent to the Court of Claims the French

spoliation cases, cases which arose at the end of the eighteenth century, which are more than a hundred years old. Those claims involve the honor of France, the legal, though not the nominal, defendant at the bar of the court; and the question which arises in every case is, Is France liable? Very important, too, are some of the cases which have come before the court in that jurisdiction, cases of peace and war. You must remember that there was a short naval war between France and ourselves, which did not extend beyond the confines of the West Indies, but which nevertheless was war whenever two naval vessels met. The "Constellation" lost in two hours more men than the American navy lost in the entire Spanish-American War.

Very curious are some of the individual cases. During this month of May has appeared at the bar of the court a slaver in the person of his great-grandchildren, claiming from France indemnity for his slaves captured in 1795. France, in the person of the Attorney-General of the United States, has replied that she was not liable; that this importation of slaves was prohibited by the laws of the United States. And the slaver has replied that France cannot be rid of her international obligations because of any local municipal law; and the Attorney-General has replied to that, that while it is true that in an abstract case slaves were property and might be recovered according to international law at that time, yet, nevertheless, it did not become the United States to allow her own citizens to press a claim which, according to American law, was illegal. The case has not yet been decided, and I am sorry to say that I cannot allay the reasonable curiosity of the ladies by telling them what the result will be. Again, there have been international cases of the civilized Indian nations. It was the Indian nations who took the initiative and first proposed to carry their differences with the United States to this tribunal of the United States — they were the movers in the direction of peace.

There has also been a still more curious class of cases; that is, cases of the Indian nations against each other. In such cases the court has been sitting, in the strict sense of the term, as an impartial international tribunal. The Indians, such as the Choctaws, the Cherokees, the Chickasaws, have appeared by their own lawyers, and have submitted without disapproval to the arbitrament of the court.

There has also been a frightful mass of cases which are not in form, but in effect, international, a mass steeped in blood from its surface to its centre, — I mean the atrocities of white men against Indians and of Indians against white men for the last fifty years. These are cases which bring up the obligations of treaties and the rights of belligerents and all the questions of international law, and they have brought up some of the most involved questions which can possibly come before an international tribunal.

It has been asked whether great cases, and cases involving boundaries and national honor, would be submitted to a tribunal. The national honor of France has been before the court for ten years, and I am happy and proud to say that the latest French work upon international law has quoted the decisions of the court as high and unquestionable authority, and has incorporated the decisions into its pages.

In some of these cases millions of dollars have been involved. In the case of the Choctaw nation against the United States more than eight million dollars was claimed, and the final award was for more than three million dollars. In one notable case of the Choctaws and the Five Affiliated Bands, as they are called, there was a tract of land nearly as large as Belgium in dispute. When these disputes have come in the sober form of lawsuits little has been said about them; the machinery has worked just as the machinery which adjusts the other differences of men has worked, and no one has thought anything about it.

I now come to the practical part of what I wish to say. There is a trait in human nature, an element which modern scientists would formulate and call a law. It is, that men in authority have an innate dislike to parting with power and an invincible repugnance to conferring power upon the unknown. The formation of the Court of Claims was not brought about until three members of Congress were ignominiously expelled for bribery and corruption in connection with private claims. Even then it was so limited in its powers as to be practically useless. When the bill to establish it was before the Senate, Stephen A. Douglas said, "I am not satisfied with this bill; I want a court whose decisions shall bind us." But the counsels of the weak and the timid prevailed, and no such court was then established. It required ten years of failure on the part of the court, and it required the immense impending avalanche of the litigation of the Civil War, to wring from Congress a re-organization and enlargement of the court and to confer upon it the power of rendering decisions which should bind even Congress.

When that had been done, when the work of the court had gone on, when the judges had become known at least by name, when it was perceived that what went on in this court was simply judicial work, that there was the ordinary legal organization, that there was the ordinary judicial construction, that cases were decided according to law, that law ruled about as much in the court as arithmetic does in the counting-house, — then the tide turned. Then Congress began to unload upon this unfortunate, already overburdened court every difficult thing with which they themselves could not conveniently cope. There came the claims (some \$16,000,000) of the District of Columbia; there came these frightful Indian depredation cases; there came these French spoliation cases; there came case after case involving immense amounts of money. The Hot Springs of Arkansas cases involved the title of an entire town, of every hotel and house and church and even the street railways. There had been litigation for thirty-two years, Congress had been besieged for twenty years, yet in two years the court rendered a judgment in favor of the United States, and the thing established was accepted without the slightest hesitation.

All the early litigation of the Union Pacific Railways came there in the same manner. In some cases the railway recovered against the United States, and in some cases the United States recovered against the railway. The largest money judgment ever rendered by the court was for over four million dollars in favor of the United States against the Central Pacific Road.

Now with this experience which I am able to bring to

bear on the issue of arbitration, I have no hesitation in deducing from it as my own conclusion that if you can ever establish an international tribunal in the nature of a court, and if that international tribunal shall have its doors open at all times, the nations of the earth for the most part will gladly go into it with their international differences. I do not believe in obligatory treaties. I agree with General Foster that it is very doubtful whether those treaties will ever be ratified. I know full well that men in authority will not confer power upon the unknown. There must be something established; they must see it working; they must concur in what it will probably do, and then they will willingly use it as their instrument.

Consequently, so believing, so thinking and, so far as my experience goes, so knowing, I hail the Hague tribunal as the greatest advance in the cause of peace that has ever occurred in this troubled world; and I hail as the greatest step that has been taken, the greatest advance that has been made, the most important thing that has occurred during the last year, the fact that two nations of the earth have gone to the Hague tribunal with their differences. Once let the tide turn in that direction and the current will flow ceaselessly. Mankind is not belligerent; there is in every nation combustible material; but the great, peaceful mass whom President Eliot has well called the "unknown millions," the men who work for their families without ambition, and lay up money to bring their children up decently,—the farmers of this country, the artisans of this country, the well-to-do laborers of this country,—they want no war, they need no converting.

The French War Minister's Plea for Revenge.

BY ALFRED H. FRIED.

From *Die Friedens-Warte*, Berlin.

The French Minister of War, André, at the unveiling of a monument to the memory of the soldiers who fell in the war of 1870-71, uttered some strongly chauvinistic sentiments and made reference to a future war of revenge against Germany. He said among other things: "The soldier for whom this monument is really intended is the soldier of the future, who will restore to France her material greatness. This soldier of the future will be the avenger of France. For this avenger we shall keep our laurels laid up." And further: "Belfort will not need to bear out her glorious flag until the day when the fatherland shall call all her children to arms."

This speech was received in very bad spirit by the German press. It cannot be denied that by such utterances the work of peace, earnestly and laboriously carried on as it is, is very much crippled. "See! see!" our nationalist papers cry out, "see how our wicked neighbor does not cease to threaten us; now you will understand that we cannot cease to increase our armaments and to keep our entire force in readiness to meet the vindictive purposes of the French." As a spring of water to the thirsty soul, so came these sabre-clashing words to the knowledge of our thorough-going Germans, our chauvinists. The whole world was just at the moment full of praise of the blessings of peace, of assurances of

undisturbed harmony, and a rumor was abroad that the sovereigns of Europe were seriously considering the subject of disarmament. What should be done? The rescue came in the form of this speech of the French Minister of War. All the editorials on the subject which appeared in Germany ended with the words: "Our sword must be kept sharp, our powder dry."

These excited persons did not stop to consider that the speech of one war minister does not make a war, that it does not represent the sentiment of an entire people, and that consequently it does not in the least determine whether there shall be war or peace. They likewise failed to remember that out of the mouths of German generals have come similar warlike words. Possibly in their view those were not warlike words, when Count Waldersee, a few years ago, in taking leave of the army corps which was doing garrison duty in the lands of the empire, said that he was sorry not to have had the opportunity to lead the corps against the enemy; or, when he, only recently, at a manœuvre declared that the cavalry had great tasks before them in the future war. But what is said at home is only a matter of course in the view of our pseudo-patriots. When such things are spoken in neighboring countries, why then only do they become villainous.

How irrational it is, anyway, to suppose that a professional soldier (or for that matter, a war minister) can think of aught else than the time when he shall be permitted to lead the army against the enemy and to win laurels of war. This thought must indeed fill his entire being, for the readiness of the army to fight implies that every soldier believes in the possibility of war, and in the certainty of victory. One may well raise the question whether it is logical for this thought to prevail in all lands, for in the nature of things not all those who go to war with one another can be victorious; some of them will be defeated, and these will be disappointed in their assurance of victory. But aside from this, the possibility of war and assurance of victory cannot be separated from the system of armaments; they belong to the moral outfit of militarism, and their presence in the system does not disturb the circle of the friends of peace any more than armor-clad ships and regiments disturb them.

But there is one trouble in the matter: the soldier must, as a matter of course, cherish these thoughts, but woe to him if he clothes his thoughts in words. He must be silent; he dare not speak of them. If he does so, if his mouth lets out that of which his heart is full, it is set down as diabolical by neighboring peoples who also keep their soldiers full of thoughts of the possibility of war and of the assurance of victory. How stupid the whole thing is!

We friends of peace need not be much troubled over the General's prophecy of revenge. We know that the peace of Europe is anchored upon other and firmer ground than the opinions of professional militarists. We know that peace—the necessity of peace—is conditioned by our entire industrial and social relations, and cannot be disturbed by any amount of verbal rattling of sabres. We regret, of course, that the delusion about armaments is continually strengthened by such words, and the time put further off when Europe can at last think seriously of consecrating to the real ends of civilization the billions which are now squandered.